

HELIUM ACT

[Chapter 426; Enacted March 3, 1925]

[As Amended Through P.L. 115–270, Enacted October 23, 2018]

【Currency: This publication is a compilation of the text of chapter 426 of the 68th Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

CHAP. 426.—An Act Authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Helium Act”【50 U.S.C. 167 note.】

SEC. 2. [50 U.S.C. 167] DEFINITIONS.

In this Act:

(1) **CLIFFSIDE FIELD.**—The term “Cliffside Field” means the helium storage reservoir in which the Federal Helium Reserve is stored.

(2) **FEDERAL HELIUM PIPELINE.**—The term “Federal Helium Pipeline” means the federally owned pipeline system through which helium for the Federal Helium Reserve may be transported.

(3) **FEDERAL HELIUM RESERVE.**—The term “Federal Helium Reserve” means helium reserves owned by the United States.

(4) **FEDERAL HELIUM SYSTEM.**—The term “Federal Helium System” means—

(A) the Federal Helium Reserve;

(B) the Cliffside Field;

(C) the Federal Helium Pipeline; and

(D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

(5) **FEDERAL USER.**—The term “Federal user” means a Federal agency or extramural holder of one or more Federal research grants using helium.

(6) **LOW-BTU GAS.**—The term “low-Btu gas” means a fuel gas with a heating value of less than 250 Btu per standard

cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

(7) **PERSON.**—The term “person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

(8) **PRIORITY PIPELINE ACCESS.**—The term “priority pipeline access” means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

(9) **QUALIFIED BIDDER.**—

(A) **IN GENERAL.**—The term “qualified bidder” means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

(B) **EXCLUSION.**—The term “qualified bidder” does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this Act.

(10) **QUALIFYING DOMESTIC HELIUM TRANSACTION.**—The term “qualifying domestic helium transaction” means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

(11) **REFINER.**—The term “refiner” means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

(12) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. [50 U.S.C. 167a] AUTHORITY OF SECRETARY.

(a) **EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.**—

(1) **IN GENERAL.**—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

(2) **LEASEHOLD RIGHTS.**—The Secretary may grant leasehold rights to any such helium.

(3) **LIMITATION.**—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

(4) **REGULATIONS.**—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

(5) **EXISTING RIGHTS.**—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

(6) **TERMS AND CONDITIONS.**—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

(7) **PRIOR AGREEMENTS.**—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

(b) **STORAGE, TRANSPORTATION, AND SALE.**—The Secretary may store, transport, and sell helium only in accordance with this Act.

(c) **EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LAND.**—All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 6(e).

SEC. 4. [50 U.S.C. 167b] STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

(a) **STORAGE, TRANSPORTATION, AND WITHDRAWAL.**—The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

(b) **CESSATION OF PRODUCTION, REFINING, AND MARKETING.**—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

(c) **DISPOSAL OF FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

(2) **APPLICABLE LAW.**—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

(3) **PROCEEDS.**—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(e).

(4) **COSTS.**—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(e).

(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

(d) EXISTING CONTRACTS.—

(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(e).

SEC. 5. [50 U.S.C. 167c] STORAGE, WITHDRAWAL AND TRANSPORTATION.

(a) IN GENERAL.—If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

(b) MINIMUM FEES.—The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

(c) SCHEDULE OF FEES.—Prior to sale or auction under subsection (a), (b), or (c) of section 6, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

(d) TREATMENT.—All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 6(e).

(e) STORAGE AND DELIVERY.—In accordance with this section, the Secretary shall—

(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 6 to store helium in the Federal Helium Reserve; and

(2) establish a schedule for the transportation and delivery of helium using the Federal Helium System that—

(A) ensures timely delivery of helium auctioned pursuant to section 6(b)(2);

(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 6(b)(2), including non-allocated sales; and

(C) provides priority access to the Federal Helium Pipeline for in-kind sales for Federal users.

(f) NEW PIPELINE ACCESS.—The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 6.

SEC. 6. [50 U.S.C. 167d] SALE OF CRUDE HELIUM.**(a) PHASE A: ALLOCATION TRANSITION.—**

(1) **IN GENERAL.**—The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

(2) **FEDERAL PURCHASES.**—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(3) **DURATION.**—This subsection applies during—

(A) the period beginning on the date of enactment of the Helium Stewardship Act of 2013 and ending on September 30, 2014; and

(B) any period during which the sale of helium under subsection (b) is delayed or suspended.

(b) PHASE B: AUCTION IMPLEMENTATION.—

(1) **IN GENERAL.**—The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), after completion of each auction, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

(A) to maximize total recovery of helium from the Federal Helium Reserve over the long term;

(B) to maximize the total financial return to the taxpayer;

(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

(D) to give priority to meeting the helium demand of Federal users in the event of any disruption to the Federal Helium Reserve; and

(E) to carry out this subsection with minimum market disruption.

(2) **AUCTION QUANTITIES.**—For the period described in paragraph (4) and consistent with the conditions described in paragraph (8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

(A) for fiscal year 2015, 10 percent of the total volume of crude helium made available for that fiscal year;

(B) for each of fiscal years 2016 through 2019, a percentage of the total volume of crude helium that is 15 percentage points greater than the percentage made available for the previous fiscal year; and

(C) for fiscal year 2020 and each fiscal year thereafter, 100 percent of the total volume of crude helium made available for that fiscal year.

(3) **FEDERAL PURCHASES.**—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to

purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(4) DURATION.—This subsection applies during the period—

(A) beginning on October 1, 2014; and

(B) ending on the date on which the volume of recoverable crude helium at the Federal Helium Reserve (other than privately owned quantities of crude helium stored temporarily at the Federal Helium Reserve under section 5 and this section) is 3,000,000,000 standard cubic feet.

(5) SAFETY VALVE.—The Secretary may adjust the quantities specified in paragraph (2)—

(A) downward, if the Secretary determines the adjustment necessary—

(i) to minimize market disruptions that pose a threat to the economic well-being of the United States; and

(ii) only after submitting a written justification of the adjustment to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; or

(B) upward, if the Secretary determines the adjustment necessary to increase participation in crude helium auctions or returns to the taxpayer.

(6) AUCTION FORMAT.—The Secretary shall conduct each auction using a method that maximizes revenue to the Federal Government.

(7) PRICES.—The Secretary shall annually establish, as applicable, separate sale and minimum auction prices under subsection (a)(1) and paragraphs (1) and (2) using, if applicable and in the following order of priority:

(A) The sale price of crude helium in auctions held by the Secretary under paragraph (2).

(B) Price recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.

(C) The volume-weighted average price of all crude helium and pure helium purchased, sold, or processed by persons in all qualifying domestic helium transactions.

(D) The volume-weighted average cost of converting gaseous crude helium into pure helium.

(8) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The Secretary shall require all persons that are parties to a contract with the Secretary for the withdrawal, acceptance, storage, transportation, delivery, or redelivery of crude helium to disclose, on a strictly confidential basis—

(i) the volumes and associated prices in dollars per thousand cubic feet of all crude and pure helium purchased, sold, or processed by persons in qualifying domestic helium transactions;

(ii) the volumes and associated costs in dollars per thousand cubic feet of converting crude helium into pure helium; and

(iii) refinery capacity and future capacity estimates.

(B) CONDITION.—As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after the date of enactment of the Helium Stewardship Act of 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—

(i) any person prevailing in auctions under paragraph (2); and

(ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after the date of enactment of the Helium Stewardship Act of 2013, including nonallocated sales.

(9) USE OF INFORMATION.—The Secretary may use the information collected under this Act—

(A) to approximate crude helium prices; and

(B) to ensure the recovery of fair value for the taxpayers of the United States from sales of crude helium.

(10) PROTECTION OF CONFIDENTIALITY.—The Secretary shall adopt such administrative policies and procedures as the Secretary considers necessary and reasonable to ensure the confidentiality of information submitted pursuant to this Act.

(11) FORWARD AUCTIONS.—Effective beginning in fiscal year 2016, the Secretary may conduct a forward auction once each fiscal year of a quantity of helium that is equal to up to 10 percent of the volume of crude helium to be made available at auction during the following fiscal year if the Secretary determines that the forward auction will—

(A) not cause a disruption in the supply of helium from the Reserve;

(B) represent a cost-effective action;

(C) generate greater returns for taxpayers; and

(D) increase the effectiveness of price discovery.

(12) SALE SCHEDULE AND FREQUENCY.—For fiscal year 2015 the Secretary shall conduct only one auction, which shall precede, and one sale, which shall take place no later than August 1, 2014, with full and final payment for the sale being made no later than September 26, 2014. Consistent with the annual volumes established under paragraph (2), effective beginning in fiscal year 2016, the Secretary may conduct auctions twice during each fiscal year if the Secretary determines that the auction frequency will—

(A) not cause a disruption in the supply of helium from the Reserve;

(B) represent a cost-effective action;

(C) generate greater returns for taxpayers; and

(D) increase the effectiveness of price discovery.

(13) ONE-TIME SALE.—

(A) IN GENERAL.—Notwithstanding paragraph (4)(A), the Secretary shall hold a one-time sale of helium, no later than August 1, 2014 from amounts available in fiscal year 2016 pursuant to this section. Full and final payment for the sale must be made no later than 45 days after the date the sale takes place.

(B) VOLUME SOLD.—The volume of helium sold under this paragraph—

(i) shall be at least 250 million cubic feet; and

(ii) shall be made available for sale consistent with paragraph (2)(B).

(c) PHASE C: CONTINUED ACCESS FOR FEDERAL USERS.—

(1) IN GENERAL.—The Secretary shall offer crude helium for sale to Federal users in such quantities, at such times, at such prices required to reimburse the Secretary for the full costs of the sales, and under such terms and conditions as the Secretary determines necessary to carry out this subsection.

(2) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

(3) EFFECTIVE DATE.—This subsection applies beginning on the day after the date described in subsection (b)(4)(B).

(d) PHASE D: DISPOSAL OF ASSETS.—

(1) IN GENERAL.—Not earlier than 2 years after the date of commencement of Phase C described in subsection (c) and not later than September 30, 2021, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests in the same, held by the United States in the Federal Helium System.

(2) APPLICABLE LAW.—The disposal of the property described in paragraph (1) shall be in accordance with subtitle I of title 40, United States Code.

(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of the property described in paragraph (1) shall be treated as funds received under this Act for purposes of subsection (e).

(4) COSTS.—All costs associated with the sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under this subsection shall be paid from amounts available in the Helium Production Fund established under subsection (e).

(e) HELIUM PRODUCTION FUND.—

(1) IN GENERAL.—All amounts received under this Act, including amounts from the sale or auction of crude helium, shall be credited to the Helium Production Fund, which shall be available without fiscal year limitation for purposes determined to be necessary and cost effective by the Secretary to carry out this Act (other than sections 16, 17, and 18), including capital investments in upgrades and maintenance at the Federal Helium System, including—

(A) well head maintenance at the Cliffside Field;

(B) capital investments in maintenance and upgrades of facilities that pressurize the Cliffside Field;

(C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, enrichment, transportation, purification, and sale of crude helium from the Federal Helium Reserve;

(D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System; and

(E) any other scheduled or unscheduled maintenance of the Federal Helium System.

(2) **EXCESS FUNDS.**—Amounts in the Helium Production Fund in excess of amounts the Secretary determines to be necessary to carry out paragraph (1) shall be paid to the general fund of the Treasury and used to reduce the annual Federal budget deficit.

(3) **RETIREMENT OF PUBLIC DEBT.**—Out of amounts paid to the general fund of the Treasury under paragraph (2), the Secretary of the Treasury shall use \$51,000,000 to retire public debt.

(4) **REPORT.**—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013 and annually thereafter, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all expenditures by the Bureau of Land Management to carry out this Act.

(f) **MINIMUM QUANTITY.**—The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of—

(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; or

(2) the maximum total production capacity of the Federal Helium System.

SEC. 7. [50 U.S.C. 167e] The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this Act, and shall have complete right of access to plants, data, and accounts.

SEC. 8. [Section 8 was repealed by section 7(b) of Public Law 113–40.]

SEC. 9. [50 U.S.C. 167g] The Secretary is hereby authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this Act and are necessary to carry out the provisions hereof.

SEC. 10. [50 U.S.C. 167h] (a) The provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001–1011), as amended, shall apply to any agency proceeding and any agency action taken under this Act, including the issuance of rules and regulations, and the terms “agency proceeding” and “agency action” shall have the meaning specified in the Administrative Procedure Act.

(b) In any proceeding under this Act for the granting, suspending, revoking, or amending of any license, or application to

transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceedings shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031–1042), as amended, and to the provisions of section 10 of the Administrative Procedure Act.

【Section 11 was repealed by section 1166(c) of Public Law 115-270. 】

SEC. 12. [50 U.S.C. 167j] LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

(a) **IN GENERAL.**—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of \$1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

(b) **LAND DESCRIPTION.**—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

(1) **FIRST TRACT.**—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

(2) **SECOND TRACT.**—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

Containing an area of 331 acres, more or less.

SEC. 13. [50 U.S.C. 167k] Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act or any regulation or order issued or any terms of a license granted thereunder shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

SEC. 14. [50 U.S.C. 167l] Whenever in the judgment of the Secretary any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this Act, or any regulation or order issued or any term of a license granted thereunder, any such act or practice may be enjoined by any district court having jurisdiction of such person, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States.

SEC. 15. [50 U.S.C. 167m] INFORMATION.

(a) **TRANSPARENCY.**—The Secretary, acting through the Bureau of Land Management, shall make available on the Internet information relating to the Federal Helium System that includes—

- (1) continued publication of an open market and in-kind price;
- (2) aggregated projections of excess refining capacity;
- (3) ownership of helium held in the Federal Helium Reserve;
- (4) the volume of helium delivered to persons through the Federal Helium Pipeline;
- (5) pressure constraints of the Federal Helium Pipeline;
- (6) an estimate of the projected date when 3,000,000,000 standard cubic feet of crude helium will remain in the Federal Helium Reserve and the final phase described in section 6(c) will begin;
- (7) the amount of the fees charged under section 5;
- (8) the scheduling of crude helium deliveries through the Federal Helium Pipeline; and
- (9) other factors that will increase transparency.

(b) **REPORTING.**—Not later than 90 days after the date of enactment of the Helium Stewardship Act of 2013, to provide the market with appropriate and timely information affecting the helium resource, the Director of the Bureau of Land Management shall es-

establish a timely and public reporting process to provide data that affects the helium industry, including—

(1) annual maintenance schedules and quarterly updates, that shall include—

(A) the date and duration of planned shutdowns of the Federal Helium Pipeline;

(B) the nature of work to be undertaken on the Federal Helium System, whether routine, extended, or extraordinary;

(C) the anticipated impact of the work on the helium supply;

(D) the efforts being made to minimize any impact on the supply chain; and

(E) any concerns regarding maintenance of the Federal Helium Pipeline, including the pressure of the pipeline or deviation from normal operation of the pipeline;

(2) for each unplanned outage, a description of—

(A) the beginning of the outage;

(B) the expected duration of the outage;

(C) the nature of the problem;

(D) the estimated impact on helium supply;

(E) a plan to correct problems, including an estimate of the potential timeframe for correction and the likelihood of plan success within the timeframe;

(F) efforts to minimize negative impacts on the helium supply chain; and

(G) updates on repair status and the anticipated on-line date;

(3) monthly summaries of meetings and communications between the Bureau of Land Management and the Cliffside Refiners Limited Partnership, including a list of participants and an indication of any actions taken as a result of the meetings or communications; and

(4) current predictions of the lifespan of the Federal Helium System, including how much longer the crude helium supply will be available based on current and forecasted demand and the projected maximum production capacity of the Federal Helium System for the following fiscal year.

SEC. 16. [50 U.S.C. 167n] HELIUM GAS RESOURCE ASSESSMENT.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary, acting through the Director of the United States Geological Survey, shall—

(1) in coordination with appropriate heads of State geological surveys—

(A) complete a national helium gas assessment that identifies and quantifies the quantity of helium, including the isotope helium-3, in each reservoir, including assessments of the constituent gases found in each helium resource, such as carbon dioxide, nitrogen, and natural gas; and

- (B) make available the modern seismic and geophysical log data for characterization of the Bush Dome Reservoir;
- (2) in coordination with appropriate international agencies and the global geology community, complete a global helium gas assessment that identifies and quantifies the quantity of the helium, including the isotope helium-3, in each reservoir;
- (3) in coordination with the Secretary of Energy, acting through the Administrator of the Energy Information Administration, complete—
- (A) an assessment of trends in global demand for helium, including the isotope helium-3;
 - (B) a 10-year forecast of domestic demand for helium across all sectors, including scientific and medical research, commercial, manufacturing, space technologies, cryogenics, and national defense; and
 - (C) an inventory of medical, scientific, industrial, commercial, and other uses of helium in the United States, including Federal uses, that identifies the nature of the helium use, the amounts required, the technical and commercial viability of helium recapture and recycling in that use, and the availability of material substitutes wherever possible; and
- (4) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the assessments required under this paragraph.
- (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000.
- SEC. 17. [50 U.S.C. 167o] LOW-BTU GAS SEPARATION AND HELIUM CONSERVATION.**
- (a) **AUTHORIZATION.**—The Secretary of Energy shall support programs of research, development, commercial application, and conservation (including the programs described in subsection (b))—
- (1) to expand the domestic production of low-Btu gas and helium resources;
 - (2) to separate and capture helium from natural gas streams; and
 - (3) to reduce the venting of helium and helium-bearing low-Btu gas during natural gas exploration and production.
- (b) **PROGRAMS.**—
- (1) **MEMBRANE TECHNOLOGY RESEARCH.**—The Secretary of Energy, in consultation with other appropriate agencies, shall support a civilian research program to develop advanced membrane technology that is used in the separation of low-Btu gases, including technologies that remove helium and other constituent gases that lower the Btu content of natural gas.
 - (2) **HELIUM SEPARATION TECHNOLOGY.**—The Secretary of Energy shall support a research program to develop technologies for separating, gathering, and processing helium in low concentrations that occur naturally in geological reservoirs or formations, including—
 - (A) low-Btu gas production streams; and

(B) technologies that minimize the atmospheric venting of helium gas during natural gas production.

(3) INDUSTRIAL HELIUM PROGRAM.—The Secretary of Energy, working through the Advanced Manufacturing Office of the Department of Energy, shall carry out a research program—

(A) to develop low-cost technologies and technology systems for recycling, reprocessing, and reusing helium for all medical, scientific, industrial, commercial, aerospace, and other uses of helium in the United States, including Federal uses; and

(B) to develop industrial gathering technologies to capture helium from other chemical processing, including ammonia processing.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000.

SEC. 18. [50 U.S.C. 167p] HELIUM-3 SEPARATION.

(a) INTERAGENCY COOPERATION.—The Secretary shall cooperate with the Secretary of Energy, or a designee, on any assessment or research relating to the extraction and refining of the isotope helium-3 from crude helium and other potential sources, including—

- (1) gas analysis; and
- (2) infrastructure studies.

(b) FEASIBILITY STUDY.—The Secretary, in consultation with the Secretary of Energy, or a designee, may carry out a study to assess the feasibility of—

- (1) establishing a facility to separate the isotope helium-3 from crude helium; and
- (2) exploring other potential sources of the isotope helium-3.

(c) REPORT.—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of the results of the assessments conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000.

SEC. 19. [50 U.S.C. 167q] FEDERAL AGENCY HELIUM ACQUISITION STRATEGY.

In anticipation of the implementation of Phase D described in section 6(d), and not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary (in consultation with the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institutes of Health, and other agencies as appropriate) shall submit to Congress a report that provides for Federal users—

- (1) an assessment of the consumption of, and projected demand for, crude and refined helium;
- (2) a description of a 20-year Federal strategy for securing access to helium;

(3) a determination of a date prior to September 30, 2021, for the implementation of Phase D as described in section 6(d) that minimizes any potential supply disruptions for Federal users;

(4) an assessment of the effects of increases in the price of refined helium and methods and policies for mitigating any determined effects; and

(5) a description of a process for prioritization of uses that accounts for diminished availability of helium supplies that may occur over time.

SEC. 20. [50 U.S.C. 167 note] If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.